

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

APPLE, INC.,  
AMERICAN AIRLINES, INC.,  
BLOOMBERG, L.P.,  
CONTINENTAL AIRLINES, INC.,  
UNITED PARCEL SERVICE, INC.,

Defendants.

Case No. 6:08-cv-447-LED

**JURY TRIAL DEMANDED**

**UNOPPOSED MOTION FOR LEAVE TO AMEND INFRINGEMENT CONTENTIONS**

Pursuant to Patent Rule 3-6(b) of the Rules of Practice for Patent Cases before the Eastern District of Texas, Plaintiff EMG Technology, LLC (“EMG”) respectfully submits this Unopposed Motion for Leave to Amend Infringement Contentions.

On June 5, 2009, pursuant to this Court’s Order dated April 21, 2009, and Patent Rule 3-1 of the Rules of Practice for Patent Cases before the Eastern District of Texas, EMG served its Patent Rule 3-1 Disclosure of Asserted Claims and Infringement Contentions (“Infringement Contentions”).

Subsequently, the parties met and conferred and agreed that EMG may amend its Infringement Contentions to correct typographical errors relating to the identification of the asserted patent claims and to clarify EMG’s contentions under Patent Rule 3-1(f). Attached as Exhibit A is a copy of EMG’s proposed First Amended Infringement Contentions and Appendix A thereto, with redlining to show the agreed upon changes. At this time, no changes are being

made to the other portions of EMG's Infringement Contentions served on June 5, 2009, including Exhibits A-H to Appendix A and Appendices B-J, including exhibits thereto.

Good cause exists for the proposed amendments because they correct typographical errors and clarify EMG's contentions under P.R. 3-1(f). No prejudice to the Court or the parties will result from the proposed amendments because this case is in its earliest stages and Defendants Apple, Inc., American Airlines, Inc., Bloomberg, LP, Continental Airlines, Inc., and United Parcel Service, Inc. do not oppose the amendments.

Accordingly, EMG respectfully requests the Court to enter the proposed Order Granting Unopposed Motion for Leave to Amend Infringement Contentions submitted concurrently herewith.

Dated July 13, 2009

Respectfully submitted,

**OF COUNSEL:**

*By: /s/ Charles Ainsworth* \_\_\_\_\_

Jeffer, Mangels, Butler and Marmaro, LLP

Stanley M. Gibson  
(Cal. Bar No. 162329)  
[smg@jmbm.com](mailto:smg@jmbm.com)

Joshua S. Hodas, Ph.D.  
(Cal. Bar No. 250812)  
[jsh@jmbm.com](mailto:jsh@jmbm.com)

1900 Avenue of the Stars, Seventh Floor  
Los Angeles, CA 90067  
Telephone: (310) 203-8080  
Facsimile: (310) 203-0567

Manatt, Phelps & Phillips, LLP

Robert D. Becker  
(Cal. Bar No. 160648)  
[rbecker@manatt.com](mailto:rbecker@manatt.com)

Charles Ainsworth  
State Bar No. 00783521  
Robert Christopher Bunt  
State Bar No. 00787165  
PARKER, BUNT & AINSWORTH, P.C.  
100 E. Ferguson, Suite 1114  
Tyler, TX 75702  
903/531-3535  
903/533-9687  
E-mail: [charley@pbatyler.com](mailto:charley@pbatyler.com)  
E-mail: [rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)

**ATTORNEYS FOR PLAINTIFF,  
EMG TECHNOLOGY, LLC**

Shawn G. Hansen  
(Cal. Bar No. 197033)  
*shansen@manatt.com*

1001 Page Mill Road, Building 2  
Palo Alto, CA 94304  
Telephone: (650) 812-1300  
Facsimile: (650) 213-0260

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 13th day of July, 2009, with a copy of this document via the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Charles Ainsworth  
Charles Ainsworth

**CERTIFICATE OF CONFERENCE**

Counsel for EMG has conferred with counsel for Defendants Apple, Inc., American Airlines, Inc., Bloomberg, LP, Continental Airlines, Inc., and United Parcel Service, Inc. (collectively, "Defendants") in a good faith attempt to resolve the matters raised in this motion without court intervention. Counsel for Defendants indicated that the motion is unopposed.

/s/ Charles Ainsworth  
Charles Ainsworth